

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2317

Introduced by Assembly Member Saldana

February 19, 2010

An act to amend Sections ~~38773.1 and 38773.5~~ of 38772, 38773.1, 38773.2, 38773.5, and 38773.6 of, and to add Article 4 (commencing with Section 25850) to Chapter 8 of Part 2 of Division 2 of Title 3 of, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2317, as amended, Saldana. Local government: nuisance abatement.

Existing law authorizes the legislative body of a city to declare, by ordinance, what constitutes a nuisance. Existing law authorizes the legislative body of a city, by ordinance, to authorize a court to impose treble damages for the costs of abatement in specified circumstances. Existing law authorizes the legislative body of a city to regulate outdoor advertising and prevent, prohibit, and provide for the removal of an obstruction of a public place.

This bill would also specifically authorize the board of supervisors of a county to regulate nuisances and obstructions of public places in the same manner that existing law authorizes the legislative body of a city to regulate nuisances and obstructions.

Existing law authorizes the legislative body of a city to establish a procedure to use a nuisance abatement lien or a special assessment to collect abatement and related administrative costs.

This bill would authorize the legislative body of a city to also collect fines using a nuisance abatement lien or a special assessment. This bill

would also authorize the board of supervisors of a county or city and county to use a nuisance abatement lien or special assessment to collect abatement costs, related administrative costs, and fines.

~~Existing law authorizes a local legislative body to establish a procedure to use a nuisance abatement lien or a special assessment to collect abatement and related administrative costs.~~

~~This bill would authorize a local government body to also collect fines using a nuisance abatement lien or a special assessment.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 4 (commencing with Section 25850) is
2 added to Chapter 8 of Part 2 of Division 2 of Title 3 of the
3 Government Code, to read:

4
5 Article 4. Nuisances
6

7 25850. By ordinance the board of supervisors may declare
8 what constitutes a nuisance.

9 25850.1. (a) The board of supervisors may provide for the
10 summary abatement of any nuisance resulting from the defacement
11 of the property of another by graffiti or any other inscribed
12 material at the expense of the minor or other person creating,
13 causing, or committing the nuisance and by ordinance may make
14 the expense of abatement of the nuisance a lien against property
15 of the minor or other person and a personal obligation against
16 the minor or other person pursuant to Section 25850.4 or 25850.6.

17 (b) The parent or guardian having custody and control of the
18 minor shall be jointly and severally liable with the minor. The
19 board of supervisors may make the expense of abatement of any
20 nuisance, resulting from the defacement by a minor of the property
21 of another by graffiti or any other inscribed material, a lien against
22 the property of a parent or guardian, having custody and control
23 of the minor, and a personal obligation against the parent or
24 guardian having custody and control of the minor pursuant to
25 Section 25850.4 or 25850.6.

26 (c) Notwithstanding any other provision of law, the names and
27 addresses of the parent or guardian having custody and control

1 of the minor, if known, shall be reported by the probation officer
2 of the county to the county clerk or other official designated by
3 the board of supervisors of the county in which the defaced
4 property is located.

5 (d) As used in this section, the following terms have the following
6 meanings:

7 (1) "Expense of abatement" includes, but is not limited to, court
8 costs, attorney's fees, costs of removal of the graffiti or other
9 inscribed material, costs of repair and replacement of defaced
10 property, and the law enforcement costs incurred by the county in
11 identifying and apprehending the minor or other person.

12 (2) "Graffiti or other inscribed material" means any
13 unauthorized inscription, word, figure, mark, or design that is
14 written, marked, etched, scratched, drawn, or painted on any real
15 or personal property.

16 (3) "Minor" or "other person" means a minor or other person
17 who has confessed to, admitted to, or pled guilty or nolo contendere
18 to a violation of Section 594, 594.3, 640.5, 640.6, or 640.7 of the
19 Penal Code, or a minor convicted by final judgment of a violation
20 of Section 594, 594.3, 640.5, 640.6, or 640.7 of the Penal Code,
21 or a minor declared a ward of the Juvenile Court pursuant to
22 Section 602 of the Welfare and Institutions Code by reason of the
23 commission of an act prohibited by Section 594, 594.3, 640.5,
24 640.6, or 640.7 of the Penal Code.

25 25850.2. The board of supervisors may provide for the
26 summary abatement of any nuisance at the expense of the persons
27 creating, causing, committing, or maintaining it and by ordinance
28 may make the expense of abatement of nuisances a lien against
29 the property on which it is maintained and a personal obligation
30 against the property owner, in accordance with Section 25850.3
31 or 25850.5.

32 25850.3. (a) The board of supervisors may by ordinance
33 establish a procedure to collect abatement and related
34 administrative costs and fines by a nuisance abatement lien. This
35 ordinance shall require notice prior to the recordation of the lien
36 to the owner of record of the parcel of land on which the nuisance
37 is maintained, based on the last equalized assessment roll or the
38 supplemental roll, whichever is more current.

39 (b) The notice shall be served in the same manner as summons
40 in a civil action in accordance with Article 3 (commencing with

1 Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of
2 Civil Procedure. If the owner of record, after diligent search cannot
3 be found, the notice may be served by posting a copy thereof in a
4 conspicuous place upon the property for a period of 10 days and
5 publication thereof in a newspaper of general circulation published
6 in the county in which the property is located pursuant to Section
7 6062.

8 (c) A nuisance abatement lien shall be recorded in the county
9 recorder's office in the county in which the parcel of land is located
10 and from the date of recording shall have the force, effect, and
11 priority of a judgment lien.

12 (1) A nuisance abatement lien authorized by this section shall
13 specify the amount of the lien, the name of the agency on whose
14 behalf the lien is imposed, the date of the abatement order, the
15 street address, legal description and assessor's parcel number of
16 the parcel on which the lien is imposed, and the name and address
17 of the recorded owner of the parcel.

18 (2) In the event that the lien is discharged, released, or satisfied,
19 either through payment or foreclosure, notice of the discharge
20 containing the information specified in paragraph (1) shall be
21 recorded by the governmental agency. A nuisance abatement lien
22 and the release of the lien shall be indexed in the grantor-grantee
23 index.

24 (3) A nuisance abatement lien may be foreclosed by an action
25 brought by the county for a money judgment.

26 (4) Notwithstanding Section 6103, Section 27383, or any other
27 provision of law, the county recorder may impose a fee on the
28 county to reimburse the costs of processing and recording the lien
29 and providing notice to the property owner. A county may recover
30 from the property owner any costs incurred regarding the
31 processing and recording of the lien and providing notice to the
32 property owner as part of its foreclosure action to enforce the lien.

33 25850.4. (a) The board of supervisors may, by ordinance,
34 establish a procedure to collect abatement and related
35 administrative costs incurred in the summary abatement of any
36 nuisance resulting from the defacement by a minor or other person
37 of the property of another by graffiti or any other inscribed
38 material. The ordinance shall require notice to the minor or other
39 person prior to the recordation of a lien on the parcel of land
40 owned by the minor or other person. The ordinance shall require

1 notice to the parent or guardian having custody and control of the
2 minor prior to the recordation of a lien on the parcel of land owned
3 by the parent or guardian having custody and control of the minor.

4 (b) The notice shall be served in the same manner as a summons
5 in a civil action pursuant to Article 3 (commencing with Section
6 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil
7 Procedure. If the minor or other person, after diligent search,
8 cannot be found, the notice may be served by posting a copy of the
9 notice upon the property owned by the minor or other person, in
10 a conspicuous place, for a period of 10 days. The notice shall also
11 be published pursuant to Section 6062 in a newspaper of general
12 circulation that is published in the county in which the property
13 is located. If the parent or guardian having custody and control
14 of the minor, after diligent search, cannot be found, the notice may
15 be served by posting a copy of the notice upon the property owned
16 by the parent or guardian having custody and control of the minor,
17 in a conspicuous place, for a period of 10 days. The notice shall
18 also be published pursuant to Section 6062 in a newspaper of
19 general circulation that is published in the county in which the
20 property is located.

21 (c) A graffiti nuisance abatement lien shall be recorded in the
22 county recorder's office in the county in which the parcel of land
23 is located. From the date of recording, the lien shall have the force,
24 effect, and priority of a judgment lien.

25 (d) A graffiti nuisance abatement lien authorized by this section
26 shall specify the amount of the lien; the name of the agency on
27 whose behalf the lien is imposed; the date of the abatement order;
28 the street address, legal description, and assessor's parcel number
29 of the parcel on which the lien is imposed; and the name and
30 address of the recorded owner of the parcel.

31 (e) If the lien is discharged, released, or satisfied, either through
32 payment or foreclosure, notice of the discharge containing the
33 information specified in subdivision (d) shall be recorded by the
34 governmental agency. A graffiti nuisance abatement lien and the
35 release of the lien shall be indexed in the grantor-grantee index.

36 (f) A graffiti nuisance abatement lien may be satisfied through
37 foreclosure in an action brought by the county.

38 (g) Notwithstanding Section 6103, Section 27383, or any other
39 provision of law, the county recorder may impose a fee on the
40 county to reimburse the costs of processing and recording the lien

1 and providing notice to the property owner. The county may
2 recover from the property owner any costs incurred regarding the
3 processing and recording of the lien and providing notice to the
4 property owner as part of its foreclosure action to enforce the lien.

5 (h) As used in subdivision (a), “abatement and related
6 administrative costs” include, but are not limited to, court costs,
7 attorney’s fees, costs of removal of the graffiti or other inscribed
8 material, costs of repair and replacement of defaced property, and
9 the law enforcement costs incurred by the county in identifying
10 and apprehending the minor or other person.

11 (i) The terms “graffiti or other inscribed material,” “minor,”
12 and “other person” have the same meaning as specified in Section
13 25850.1.

14 25850.5. (a) As an alternative to the procedure authorized by
15 Section 25850.3, the board of supervisors may by ordinance
16 establish a procedure for the abatement of a nuisance and make
17 the cost of abatement, including fines, a special assessment against
18 that parcel of land on which the nuisance is maintained.

19 (b) A county may, by ordinance, provide for the recovery of
20 attorney’s fees in any action, administrative proceeding, or special
21 proceeding to abate a nuisance. If the ordinance provides for the
22 recovery of attorney’s fees, it shall provide for recovery of
23 attorney’s fees by the prevailing party, rather than limiting
24 recovery of attorney’s fees to the county if it prevails. The
25 ordinance may limit recovery of attorney’s fees by the prevailing
26 party to those individual actions or proceedings in which the county
27 elects, at the initiation of that individual action or proceeding, to
28 seek recovery of its own attorney’s fees. In no action,
29 administrative proceeding, or special proceeding shall an award
30 of attorney’s fees to a prevailing party exceed the amount of
31 reasonable attorney’s fees incurred by the county in the action or
32 proceeding.

33 (c) Any procedure established pursuant to this section shall
34 include notice, by certified mail, to the property owner, if the
35 property owner’s identity can be determined from the county
36 assessor’s or county recorder’s records. The notice shall be given
37 at the time of imposing the assessment and shall specify that the
38 property may be sold after three years by the tax collector for
39 unpaid delinquent assessments. The tax collector’s power of sale
40 shall not be affected by the failure of the property owner to receive

1 notice. The assessment may be collected at the same time and in
2 the same manner as ordinary municipal taxes are collected, and
3 shall be subject to the same penalties and the same procedure and
4 sale in case of delinquency as provided for ordinary municipal
5 taxes. All laws applicable to the levy, collection and enforcement
6 of municipal taxes shall be applicable to the special assessment.
7 However, if any real property to which the cost of abatement
8 relates has been transferred or conveyed to a bona fide purchaser
9 for value, or if a lien of a bona fide encumbrancer for value has
10 been created and attaches thereon, prior to the date on which the
11 first installment of the taxes would become delinquent, then the
12 cost of abatement shall not result in a lien against the real property
13 but instead shall be transferred to the unsecured roll for collection.

14 (d) A local agency that has imposed an assessment pursuant to
15 this section may, subject to the requirements applicable to the sale
16 of property pursuant to Section 3691 of the Revenue and Taxation
17 Code, conduct a sale of vacant residential developed property for
18 which the payment of that assessment is delinquent.

19 (e) Notices or instruments relating to the abatement proceeding
20 or special assessment shall be entitled to recordation.

21 25850.6. (a) As an alternative to the procedure specified in
22 Section 25850.4, the board of supervisors may, by ordinance,
23 establish a procedure for the abatement of any nuisance resulting
24 from the defacement by a minor or other person of property of
25 another by graffiti or other inscribed material and make the
26 abatement and related administrative costs a special assessment
27 against a parcel of land owned by the minor or other person or
28 by the parent or guardian having custody and control of the minor.
29 The assessment may be collected at the same time and in the same
30 manner as ordinary municipal taxes are collected and shall be
31 subject to the same penalties and the same procedure and sale in
32 case of delinquency as provided for ordinary municipal taxes. All
33 laws applicable to the levy, collection, and enforcement of
34 municipal taxes shall be applicable to the special assessment.
35 However, if any real property to which the abatement and related
36 administrative costs relate has been transferred or conveyed to a
37 bona fide purchaser for value, or if a lien of a bona fide
38 encumbrancer for value has been created and attaches thereon
39 prior to the date on which the first installment of the taxes would
40 become delinquent, then the abatement and related administrative

1 costs shall not result in a lien against the real property but shall
2 instead be transferred to the unsecured roll for collection. Notices
3 or instruments relating to the abatement proceeding or special
4 assessment may be recorded.

5 (b) The terms “abatement and related administrative costs,”
6 “graffiti or other inscribed material,” “minor,” and “other
7 person” have the same meaning as specified in Sections 25850.1
8 and 25850.4.

9 25850.7. The board of supervisors, by ordinance, may provide
10 that upon entry of a second or subsequent civil or criminal
11 judgment within a two-year period finding that an owner of
12 property or a person described in paragraph (3) of subdivision
13 (d) of Section 25850.1 is responsible for a condition that may be
14 abated in accordance with an ordinance enacted pursuant to
15 Sections 25850.5 and 25850.6, except for conditions abated
16 pursuant to Section 17980 of the Health and Safety Code, the court
17 may order that person to pay treble the costs of the abatement.

18 25850.8. The board of supervisors may do the following:

19 (a) Regulate the exhibition, posting, or carrying of banners,
20 placards, posters, cards, pictures, signs, or advertisements in or
21 on the street, or on or upon buildings, fences, billboards, or other
22 structures; or on or upon any pole in any sidewalk, alley, street,
23 lane, court, park, or other public place.

24 (b) Regulate the suspension of banners, flags, signs,
25 advertisements, posters, pictures, or cards across, or over any
26 sidewalk, alley, street, lane, court, park, or other public place, or
27 such suspension from fences, poles, houses, or other structures.

28 25850.9. The board of supervisors may prohibit and prevent
29 encroachments upon or obstruction in or to any sidewalks, street,
30 alley, lane, court, park, or other public place and provide for the
31 removal of that encroachment or obstruction.

32 SEC. 2. Section 38772 of the Government Code is amended to
33 read:

34 38772. (a) The legislative body of a city, county, or city and
35 county may provide for the summary abatement of any nuisance
36 resulting from the defacement of the property of another by graffiti
37 or any other inscribed material at the expense of the minor or other
38 person creating, causing, or committing the nuisance and by
39 ordinance may make the expense of abatement of the nuisance a
40 lien against property of the minor or other person and a personal

1 obligation against the minor or other person pursuant to Section
2 38773.2 or 38773.6.

3 (b) The parent or guardian having custody and control of the
4 minor shall be jointly and severally liable with the minor. The
5 legislative body ~~of a city, county, or city and county~~ may make
6 the expense of abatement of any nuisance, resulting from the
7 defacement by a minor of the property of another by graffiti or
8 any other inscribed material, a lien against the property of a parent
9 or guardian, having custody and control of the minor, and a
10 personal obligation against the parent or guardian having custody
11 and control of the minor pursuant to Section 38773.2 or 38773.6.

12 (c) Notwithstanding any other provision of law, the names and
13 addresses of the parent or guardian having custody and control of
14 the minor, if known, shall be reported by the probation officer of
15 the county to the city clerk or other official designated by the
16 legislative body ~~of the city, county, or city and county~~ in which
17 the defaced property is located.

18 (d) As used in this section, the following terms have the
19 following meanings:

20 (1) “Expense of abatement” includes, but is not limited to, court
21 costs, attorney’s fees, costs of removal of the graffiti or other
22 inscribed material, costs of repair and replacement of defaced
23 property, and the law enforcement costs incurred by the city;
24 ~~county~~, or city and county in identifying and apprehending the
25 minor or other person.

26 (2) “Graffiti or other inscribed material” means any unauthorized
27 inscription, word, figure, mark, or design that is written, marked,
28 etched, scratched, drawn, or painted on any real or personal
29 property.

30 (3) “Minor” or “other person” means a minor or other person
31 who has confessed to, admitted to, or pled guilty or nolo contendere
32 to a violation of Section 594, 594.3, 640.5, 640.6, or 640.7 of the
33 Penal Code, or a minor convicted by final judgment of a violation
34 of Section 594, 594.3, 640.5, 640.6, or 640.7 of the Penal Code,
35 or a minor declared a ward of the Juvenile Court pursuant to
36 Section 602 of the Welfare and Institutions Code by reason of the
37 commission of an act prohibited by Section 594, 594.3, 640.5,
38 640.6, or 640.7 of the Penal Code.

1 ~~SECTION 1.~~

2 *SEC. 3.* Section 38773.1 of the Government Code is amended
3 to read:

4 38773.1. (a) The legislative body may by ordinance establish
5 a procedure to collect abatement and related administrative costs
6 and fines by a nuisance abatement lien. This ordinance shall require
7 notice prior to the recordation of the lien to the owner of record
8 of the parcel of land on which the nuisance is maintained, based
9 on the last equalized assessment roll or the supplemental roll,
10 whichever is more current.

11 (b) The notice shall be served in the same manner as summons
12 in a civil action in accordance with Article 3 (commencing with
13 Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of
14 Civil Procedure. If the owner of record, after diligent search cannot
15 be found, the notice may be served by posting a copy thereof in a
16 conspicuous place upon the property for a period of 10 days and
17 publication thereof in a newspaper of general circulation published
18 in the county in which the property is located pursuant to Section
19 6062.

20 (c) A nuisance abatement lien shall be recorded in the county
21 recorder's office in the county in which the parcel of land is located
22 and from the date of recording shall have the force, effect, and
23 priority of a judgment lien.

24 (1) A nuisance abatement lien authorized by this section shall
25 specify the amount of the lien, the name of the agency on whose
26 behalf the lien is imposed, the date of the abatement order, the
27 street address, legal description and assessor's parcel number of
28 the parcel on which the lien is imposed, and the name and address
29 of the recorded owner of the parcel.

30 (2) In the event that the lien is discharged, released, or satisfied,
31 either through payment or foreclosure, notice of the discharge
32 containing the information specified in paragraph (1) shall be
33 recorded by the governmental agency. A nuisance abatement lien
34 and the release of the lien shall be indexed in the grantor-grantee
35 index.

36 (3) A nuisance abatement lien may be foreclosed by an action
37 brought by the city for a money judgment.

38 (4) Notwithstanding Section 6103, Section 27383, or any other
39 provision of law, the county recorder may impose a fee on the city
40 to reimburse the costs of processing and recording the lien and

1 providing notice to the property owner. A city may recover from
2 the property owner any costs incurred regarding the processing
3 and recording of the lien and providing notice to the property owner
4 as part of its foreclosure action to enforce the lien.

5 *SEC. 4. Section 38773.2 of the Government Code is amended*
6 *to read:*

7 38773.2. (a) The legislative body ~~of a city, county, or city and~~
8 ~~county~~ may, by ordinance, establish a procedure to collect
9 abatement and related administrative costs incurred in the summary
10 abatement of any nuisance resulting from the defacement by a
11 minor or other person of the property of another by graffiti or any
12 other inscribed material. The ordinance shall require notice to the
13 minor or other person prior to the recordation of a lien on the parcel
14 of land owned by the minor or other person. The ordinance shall
15 require notice to the parent or guardian having custody and control
16 of the minor prior to the recordation of a lien on the parcel of land
17 owned by the parent or guardian having custody and control of
18 the minor.

19 (b) The notice shall be served in the same manner as a summons
20 in a civil action pursuant to Article 3 (commencing with Section
21 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil
22 Procedure. If the minor or other person, after diligent search, cannot
23 be found, the notice may be served by posting a copy of the notice
24 upon the property owned by the minor or other person, in a
25 conspicuous place, for a period of 10 days. The notice shall also
26 be published pursuant to Section 6062 in a newspaper of general
27 circulation that is published in the county in which the property is
28 located. If the parent or guardian having custody and control of
29 the minor, after diligent search, cannot be found, the notice may
30 be served by posting a copy of the notice upon the property owned
31 by the parent or guardian having custody and control of the minor,
32 in a conspicuous place, for a period of 10 days. The notice shall
33 also be published pursuant to Section 6062 in a newspaper of
34 general circulation that is published in the county in which the
35 property is located.

36 (c) A graffiti nuisance abatement lien shall be recorded in the
37 county recorder's office in the county in which the parcel of land
38 is located. From the date of recording, the lien shall have the force,
39 effect, and priority of a judgment lien.

(d) A graffiti nuisance abatement lien authorized by this section shall specify the amount of the lien; the name of the agency on whose behalf the lien is imposed; the date of the abatement order; the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed; and the name and address of the recorded owner of the parcel.

(e) If the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subdivision (d) shall be recorded by the governmental agency. A graffiti nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

(f) A graffiti nuisance abatement lien may be satisfied through foreclosure in an action brought by the city.

(g) Notwithstanding Section 6103, Section 27383, or any other provision of law, the county recorder may impose a fee on the city; ~~county~~, or city and county to reimburse the costs of processing and recording the lien and providing notice to the property owner. The city, ~~county~~, or city and county may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

(h) As used in subdivision (a), "abatement and related administrative costs" include, but are not limited to, court costs, attorney's fees, costs of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, and the law enforcement costs incurred by the city, ~~county~~, or city and county in identifying and apprehending the minor or other person.

(i) The terms "graffiti or other inscribed material," "minor," and "other person" have the same meaning as specified in Section 38772.

~~SEC. 2.~~

SEC. 5. Section 38773.5 of the Government Code is amended to read:

38773.5. (a) As an alternative to the procedure authorized by Section 38773.1, the legislative body may, by ordinance, establish a procedure for the abatement of a nuisance and make the cost of abatement, including fines, a special assessment against that parcel of land on which the nuisance is maintained.

(b) A city may, by ordinance, provide for the recovery of attorneys' fees in any action, administrative proceeding, or special

1 proceeding to abate a nuisance. If the ordinance provides for the
2 recovery of attorneys' fees, it shall provide for recovery of
3 attorneys' fees by the prevailing party, rather than limiting recovery
4 of attorneys' fees to the city if it prevails. The ordinance may limit
5 recovery of attorneys' fees by the prevailing party to those
6 individual actions or proceedings in which the city elects, at the
7 initiation of that individual action or proceeding, to seek recovery
8 of its own attorneys' fees. In no action, administrative proceeding,
9 or special proceeding shall an award of attorneys' fees to a
10 prevailing party exceed the amount of reasonable attorneys' fees
11 incurred by the city in the action or proceeding.

12 (c) Any procedure established pursuant to this section shall
13 include notice, by certified mail, to the property owner, if the
14 property owner's identity can be determined from the county
15 assessor's or county recorder's records. The notice shall be given
16 at the time of imposing the assessment and shall specify that the
17 property may be sold after three years by the tax collector for
18 unpaid delinquent assessments. The tax collector's power of sale
19 shall not be affected by the failure of the property owner to receive
20 notice. The assessment may be collected at the same time and in
21 the same manner as ordinary municipal taxes are collected, and
22 shall be subject to the same penalties and the same procedure and
23 sale in case of delinquency as provided for ordinary municipal
24 taxes. All laws applicable to the levy, collection and enforcement
25 of municipal taxes shall be applicable to the special assessment.
26 However, if any real property to which the cost of abatement relates
27 has been transferred or conveyed to a bona fide purchaser for value,
28 or if a lien of a bona fide encumbrancer for value has been created
29 and attaches thereon, prior to the date on which the first installment
30 of the taxes would become delinquent, then the cost of abatement
31 shall not result in a lien against the real property but instead shall
32 be transferred to the unsecured roll for collection.

33 (d) A local agency that has imposed an assessment pursuant to
34 this section may, subject to the requirements applicable to the sale
35 of property pursuant to Section 3691 of the Revenue and Taxation
36 Code, conduct a sale of vacant residential developed property for
37 which the payment of that assessment is delinquent.

38 (e) Notices or instruments relating to the abatement proceeding
39 or special assessment shall be entitled to recordation.

1 *SEC. 6. Section 38773.6 of the Government Code is amended*
2 *to read:*

3 38773.6. (a) As an alternative to the procedure specified in
4 Section 38773.2, the legislative body ~~of a city, county, or city and~~
5 ~~county~~ may, by ordinance, establish a procedure for the abatement
6 of any nuisance resulting from the defacement by a minor or other
7 person of property of another by graffiti or other inscribed material
8 and make the abatement and related administrative costs a special
9 assessment against a parcel of land owned by the minor or other
10 person or by the parent or guardian having custody and control of
11 the minor. The assessment may be collected at the same time and
12 in the same manner as ordinary municipal taxes are collected and
13 shall be subject to the same penalties and the same procedure and
14 sale in case of delinquency as provided for ordinary municipal
15 taxes. All laws applicable to the levy, collection, and enforcement
16 of municipal taxes shall be applicable to the special assessment.
17 However, if any real property to which the abatement and related
18 administrative costs relate has been transferred or conveyed to a
19 bona fide purchaser for value, or if a lien of a bona fide
20 encumbrancer for value has been created and attaches thereon prior
21 to the date on which the first installment of the taxes would become
22 delinquent, then the abatement and related administrative costs
23 shall not result in a lien against the real property but shall instead
24 be transferred to the unsecured roll for collection. Notices or
25 instruments relating to the abatement proceeding or special
26 assessment may be recorded.

27 (b) The terms “abatement and related administrative costs,”
28 “graffiti or other inscribed material,” “minor,” and “other person”
29 have the same meaning as specified in Sections 38772 and 38773.2.